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प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 27th May, 1976:—

BILL No. 62 OF 1976

A Bill further to amend the Government of Union Territories Act, 1963.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

I. (1) This Act may be called the Government of Union Territories (Amendment) Act, 1976.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

20 of 1963.

2. In section 3 of the Government of Union Territories Act, 1963 (hereinafter referred to as the principal Act),—

Amendment of section 3.

(i) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Seats shall be reserved for the Scheduled Castes in the Legislative Assemblies of the Union territories of Goa, Daman and Diu and Pondicherry, and for the Scheduled Tribes in the Legislative Assembly of the Union territory of Goa, Daman and Diu.”;

(ii) in sub-section (5), for the words “of the Union territory of Pondicherry”, the words “of any Union territory” shall be substituted;

(iii) in sub-section (6), for ~~the~~ words "in the Legislative Assembly of the Union territory of Pondicherry", the words "in the Legislative Assemblies of the Union territories of Goa, Daman and Diu and Pondicherry" shall be substituted.

3. After section 43C of the principal Act, the following section shall be inserted, namely:—

'43D. (1) The Election Commission shall determine on the basis of the latest census figures—

(i) the number of seats to be reserved for the Scheduled Castes and for the Scheduled Tribes in the Legislative Assembly of the Union territory of Goa, Daman and Diu (hereafter in this section referred to as the Legislative Assembly) having regard to the provisions of sub-section (5) of section 3; and

(ii) the constituencies in which those seats shall be so reserved having regard to the provisions of clause (c), or, as the case may be, clause (d), of sub-section (1) of section 9 of the Delimitation Act and without altering the extent of any constituency as delimited by the Delimitation Commission.

(2) The Election Commission shall—

(a) publish its proposals for the determination of the constituencies in which seats shall be reserved for the Scheduled Castes or for the Scheduled Tribes, as the case may be, in the Gazette of India and in the Official Gazette of the Union territory of Goa, Daman and Diu and also in such other manner as the Election Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified;

(c) after consideration of objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the number of seats to be reserved for the Scheduled Castes or for the Scheduled Tribes, as the case may be, in the Legislative Assembly and the constituencies in which those seats shall be so reserved and cause such order or orders to be published in the Gazette of India and in the Official Gazette of the Union territory of Goa, Daman and Diu; and upon such publication in the Gazette of India, the order or orders shall have the full force of law and shall not be called in question in any court and the Second Schedule to the Representation of the People Act, 1950 and the order made by the Delimitation Commission under section 9 of the Delimitation Act in relation to the Legislative Assembly shall be deemed to have been amended accordingly.

(3) Subject to the provisions of sub-section (4), the re-adjustment of representation of any territorial constituencies in the Legislative Assembly necessitated by any order made by the Election

Insertion
of new
section
43D.
Special
provision
for deter-
mination
of consti-
tuencies
in the
Legisla-
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Assembly
of Goa,
Daman
and Diu
for
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and
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Tribes.

Commission under this section, shall apply in relation to every election to the Legislative Assembly held after the publication in the Gazette of India, under sub-section (2), of such order.

(4) Nothing contained in the foregoing sub-sections shall affect the representation in the Legislative Assembly existing on the date of publication in the Gazette of India, under sub-section (2), of any order made by the Election Commission.

(5) The Election Commission may, from time to time, by notification in the Gazette of India and in the Official Gazette of the Union territory of Goa, Daman and Diu—

(a) correct any printing mistake in any order made under sub-section (2) or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any territorial division mentioned in any such order are, or is, altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(6) Every order made under sub-section (2) and every notification issued under sub-section (5) shall be laid, as soon as may be, after it is made or issued before the Legislative Assembly.

Explanation.—In this section,—

76 of 1972.

(a) "Delimitation Act" means the Delimitation Act, 1972;

(b) "Delimitation Commission" means the Delimitation Commission constituted under section 3 of the Delimitation Act.

STATEMENT OF OBJECTS AND REASONS

As Scheduled Castes and Scheduled Tribes had not been notified in relation to the Union territory of Goa, Daman and Diu when the Government of Union Territories Act, 1963, was enacted, no provision was made in that Act for reservation of seats for the Scheduled Castes and Scheduled Tribes in the Legislative Assembly of that Union territory. Scheduled Castes and Scheduled Tribes in relation to that Union territory were notified in 1968 and the population figures of these castes and tribes became available after the 1971 census. The Bill, therefore, seeks to amend the Government of Union Territories Act, 1963 to provide for the reservation of seats for the Scheduled Castes and Scheduled Tribes in the Legislative Assembly of the Union territory of Goa, Daman and Diu and to empower the Election Commission to determine the number of seats to be so reserved and the constituencies in which those seats shall be reserved. Opportunity is also being availed of to delete the provision for reservation for Scheduled Tribes in the Legislative Assembly of the Union territory of Pondicherry since no such tribes have been notified in relation to that Union territory.

NEW DELHI;

K. BRAHMANANDA REDDI.

The 21st May, 1971

FINANCIAL MEMORANDUM

By virtue of the amendment proposed in clause 3 of the Bill, the Election Commission has to publish its proposals for the determination of constituencies in which seats shall be reserved for the Scheduled Castes and the Scheduled Tribes for inviting objections and suggestions in relation to those proposals. It may be necessary for the Election Commission to hold its sittings in the Union territory of Goa, Daman and Diu, to consider the objections and suggestions received from the public in regard to its proposals. A non-recurring expenditure of not more than Rs. 5,000 is likely to be incurred on the travelling allowance, daily allowance, etc., of the officers of the Commission who visit the Union territory for the purpose.

2. The Bill will not involve any other expenditure either recurring or non-recurring.

S. L. SHAKDHER,
Secretary-General.

